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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3744 OF 2021

Sou.Alka Prashant Chandratre Petitioner

Vs.

The State of Maharashtra and Ors. Respondents

WITH

WRIT PETITION NO.5667 OF 2022

Sou.Tanuja Sanjay Shahane Petitioner

Vs.

The State of Maharashtra and Ors. Respondents

WITH

WRIT PETITION NO.5668 OF 2022

Sunil Balasaheb Ahire Petitioner

Vs.

The State of Maharashtra and Ors. Respondents

Mr.N.C.Bandiwadekar i/b Ms.Ashwini Bandiwadekar for the
Petitioner in all the Writ Petitions

Mr.N.C.Walimbe, A.G.P. for the State

**CORAM: S.V. GANGAPURWALA &
DHIRAJ SINGH THAKUR, JJ.**

DATED : JUNE 16, 2022

P.C.

1. In all these Writ Petitions, Petitioners are transferred from unaided to aided post. The proposal seeking approval to the transfer of Petitioners from unaided to aided post is allowed, however, as Shikshan Sevak from the date of transfer.

2. We have heard the learned Counsel for the Petitioners and the learned A.G.P.. The chart showing the date of appointment of the Petitioners on unaided post and date of transfer to aided post is detailed hereunder.

Sr. No.	Name of the Assistant Teacher appointed	Name of the Secondary School	Caste Category	Educational and Professional Eligibility	Date of Approval on the unaided post	Date of Approval on the aided post	Payscale / Honourarium
1	2	3	4	5	6	7	8
1	Shri Ahire Balasaheb	Shriman T. J. Chauhan (Chitko) Secondary School, Morwadi, Nasik	OPEN	MA. B.Ed	11.02.2013	01.12.2015 to 30.11.2018	Honourarium 8000/-
2	Smt. Shahane Tanuja Sanjay	Shriman T. J. Chauhan (Chitko) Secondary School, Morwadi, Nasik	OPEN	B.Sc. B.Ed.	11.02.2013	01.12.2015 to 30.11.2018	Honourarium 8000/-
3	Smt. Chandratre Alka Prashant	Shriman T. J. Chauhan (Chitko) Secondary School, Morwadi, Nasik	OPEN	MA. B.Ed	11.02.2013	02.02.2016 to 01.02.2019	Honourarium 8000/-
4	Smt. Shevali Priya Sachin	Shriman T. J. Chauhan (Chitko) Secondary School, Morwadi, Nasik	OPEN	B.Sc. B.Ed.	11.02.2013	01.04.2016 to 31.03.2019	Honourarium 8000/-

3. This Court under its judgment and order dated 04.07.2019 in Writ Petition No.1493 of 2018 with connected Writ Petitions had observed that some of the clauses of the circular dated 28.06.2016 are erroneous. It has been held by the Division Bench of this Court that the service rendered on unaided post also has to be counted

while granting approval to the transfer of the petition to the aided post.

4. To illustrate, if the Petitioners have worked on unaided post as Assistant Teacher for a period of two years before their transfer to the aided post then from the date of their transfer, approval has to be granted as Shikshan Sevak for a period of one year and thereafter, as Assistant Teacher.

5. In the present matter, some of the Petitioners have worked for about two years and some for three years period. The period of their working on unaided post is required to be counted. In light of the above, order of approval to the transfer of Petitioners from unaided to aided post to the extent of granting approval from the date of transfer to aided post as Shikshan Sevak is set aside.

6. The Education Officer shall consider that if the Petitioners are transferred on 100% grant-in-aid post then period rendered by the Petitioner as Assistant Teacher on unaided post should be counted for a period of three years as Shikshan Sevak.

7. The Education Officer shall reconsider the same expeditiously and preferably within four months and issue the modified order

accordingly.

8. The Education Officer shall consider the observations made by this Court in the judgment dated 04.07.2019 in Writ Petition No.1493 of 2018 with connected Writ Petitions. Consequences shall follow.

9. Writ Petitions are disposed of accordingly.

(DHIRAJ SINGH THAKUR,J.)

(S.V. GANGAPURWALA, J.)